

Message Text

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INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-01
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O R 281320Z AUG 78
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC IMMEDIATE 2298
INFO AMEMBASSY BRUSSELS
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C O N F I D E N T I A L SECTION 1 OF 3 TUNIS 6037

BRUSSELS FOR USEC/LABATT

PARIS FOR LABATT

E.O. 11652: GDS
TAGS: SHUM, ELAB, PINR, TS
SUBJ: THE SOUSSE TRIAL - TORTURE CHARGES BECOME MAJOR ISSUE

REF: A. TUNIS 1755 B. STATE 214627, C. TUNIS 3697
D. TUNIS 5562 E. TUNIS 5983

1. SUMMARY. CHARGES OF TORTURE IN CONNECTION WITH SOUSSE TRIAL HAVE BECOME A NEW AND POTENTIALLY EXPLOSIVE ISSUE IN TUNISIAN POLITICS IN THE LAST FEW DAYS. MSD OPPOSITION FORCES HAVE MOUNTED A MAJOR PUBLIC CAMPAIGN SUPPORTED BY LOCAL TUNISIAN HUMAN RIGHTS LEAGUE. ENCOURAGEMENT IS DRAWN FROM CRITICAL POSITION, VIS-A-VIS GOVERNMENT'S ARREST OF ACHOUR AND OTHER TRADE UNIONISTS AFTER JANUARY 26 RIOTS, TAKEN BY NUMBER OF FOREIGN TRADE UNION AND HUMAN RIGHTS ORGANIZATIONS. GOVERNMENT'S RESPONSE HAS BEEN UNSKILLED, AND IT APPEARS THAT PRESIDENT BOURGUIBA WILL HAVE SOME TOUGH DECISIONS TO MAKE WHEN HE RETURNS FROM FRANCE ON AUGUST 31. END SUMMARY.
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2. BACKGROUND
IN AN EARLY TELEGRAM REPORTING ON JANUARY 26 WE COMMENTED THAT TUNISIA WOULD NEVER BE THE SAME AFTERWARDS. THIS OBSERVATION HAS BEEN BORNE OUT THE LAST SEVERAL WEEKS BY THE INCREASINGLY STRONG AND OPEN CHARGES LAUNCHED AGAINST REGIME FOR ALLEGED USE OF TORTURE. WHILE CHARGES

FOCUS ON CLAIMS OF POLICE BRUTALITY, BAD PRISON CONDITIONS AND UNRESTRICTED PREARRAIGNMENT DETENTION, THEY TRANSLATE INTO A POLITICAL ASSAULT ON GOVERNMENT AND PARTY OF UNPRECEDENTED PROPORTIONS. INTERNATIONAL CRITICISM OF TUNISIA STEMMING FROM ARREST AND TRIALS OF UGTT LEADERS AND CADRE AIDS AND ENCOURAGES DOMESTIC POLITICAL FORCES (PRINCIPALLY MSD) LEADING CURRENT CAMPAIGN.

3. GOVERNMENTS RESPONSE HAS BEEN CONFUSED. FIRST REACTION IS USUALLY TO IGNORE CHANGES ALTOGETHER. OFFICIAL SILENCE IS THEN FOLLOWED EITHER BY SWEEPING DENIALS OR BY COUNTER CHARGES THAT CRITICS ARE BENT ON DESTROYING NATIONAL UNITY AND TAINTING TUNISIA'S IMAGE BECAUSE OF POLITICAL AMBITIONS OR SUBSERVIENCE TO UNFRIENDLY FOREIGN ANTAGONISTS. TO A CERTAIN EXTENT REGIME'S OBSERVATIONS REGARDING TORMENTORS' MOTIVATION IS NOT FAR OFF THE MARK. DOMESTIC CRITICS AND PARTICULARLY MSD CLEARLY SEE HUMAN RIGHTS AS TIMELY ISSUE IN A WIDER POLITICAL ASSAULT ON STATUS QUO, AND BEN SALAHISTS AND COMMUNISTS IN EXILE APPEAR TO BE ACTING IN CONCERT WITH FRENCH COMMUNISTS AS WELL AS WITH SOME LIBYAN AND ALGERIAN ELEMENTS. NEVERTHELESS THERE ARE LEGITIMATE CONCERNS OVER HEAVY-HANDED POLICE TACTICS. CATEGORICAL DENIALS OF ANY WRONG DOING ARE UNCONVINCING TO MANY DISINTERESTED TUNISIANS AND TO GROWING NUMBER OF REPUTABLE INTERNATIONAL LABOR AND HUMAN RIGHTS ORGANIZATIONS.
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4. THE CHARGES AND ACCUSERS
DOMESTIC CRITICS HAVE BEEN INCREASINGLY SPECIFIC AND HARSH IN DENOUNCING ALLEGED USE OF TORTURE AND OTHER FORMS OF DURESS AGAINST SOUSSE DEFENDANTS. THEY DO NOT CLAIM THAT "WAVE OF TERROR" EXISTS, BUT THEY DO INSIST THAT "TORTURE" HAS BECOME COMMON AND ACCEPTED POLICE PRACTICE IN DEALING WITH PERSONS ARRESTED FOR SUSPECTED POLITICAL CRIMES. PRINCIPAL FOCUS IS DIRECTED AT MIS-TREATMENT SUFFERED BY SUSPECTS ARRESTED IN CONNECTION WITH GENERAL STRIKE AND CIVIL DISTURBANCES OF LAST JANUARY. THESE CHARGES ECHO STATEMENTS MADE BY DEFENDANTS AND ATTORNEY IN SFAX AND SOUSSE TRIALS. JUDGES HEARD NUMEROUS ACCOUNTS OF PHYSICAL ABUSE AND BEATINGS, AS WELL AS OTHER LESS VIOLENT MEANS OF EXTRACTING INFORMATION AND CONFESSIONS, INCLUDING DEPRIVATION OF SLEEP AND DENIAL OF MEDICAL CARE. COMPLAINTS ABOUT PRISONCONDITIONS WERE FREQUENT, AND MANY DEFENSE ATTORNEYS PROTESTED LENGTH OF TIME ACCUSED WERE HELD IN POLICY CUSTODY BEFORE ARRAIGNMENT AND DENIAL OF PROVISIONAL LIBERTY. IN SOUSSE TRIAL THERE WERE ALSO REFERENCES TO EXTRACTED FINGERNAILS AND USE OF ELECTRICAL SHOCK. NAMES OF RESPONSIBLE POLICE OFFICIALS

WERE CITED AND ONE DEFENSE ATTORNEY TOLD US HE HAS ALREADY FILED CHARGES. ACCUSATIONS WERE REPORTED IN INDEPENDENT SISTER DAILIES AS-SABAH AND LE TEMPS, BUT THESE WERE LARGELY IGNORED IN GOVERNMENT AND PARTY-CONTROLLED PRESS. TELEVISION AND RADIO HARDLY MENTIONED TRIALS WERE IN PROGRESS.

5. MSD WEEKLIES ER-RAI AND DEMOCRATIE BANNERED DEFENDANTS ACCUSATIONS, AND IN MOST RECENT PUBLICATIONS HAVE GIVEN HEAVY AND VERY CRITICAL EDITORIAL ATTENTION TO "TORTURE IN TUNISIA." ER-RAI ON AUGUST 23 PRINTED TWO COMPLETE PAGES CITING NUMEROUS CASES OF ALLEGED POLICE BRUTALITY OVER PAST TWO YEARS. DEMOCRATIE ON AUGUST 26 CONTINUED WITH STRONG EMPHASIS ON TORTURE ISSUE. IT ALSO ANNOUNCED THAT TUNISIAN LEAGUE FOR RIGHTS OF MAN WILL FILE
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FORMAL CHARGES AGAINST "X AND AGAINST ALL PERSONS GUILTY OF COMMITTING TORTURE." (LEAGUE OFFICER TELLS US THAT "X" AS YET DOES NOT REFER TO A SPECIFIC PERSON OR PERSONS

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C O R R E C T E D C O P Y TEXT (PARA 8 LNS 28 & 33)

BUT COULD POSSIBLY INCLUDE A NUMBER OF HIGH OFFICIALS.)

EARLIER IN WEEK, ER-RAI WROTE THAT SAYAH SHOULD BE PUT ON TRIAL ALONG WITH ACHOUR TO DETERMINE WHO IS REALLY RESPONSIBLE FOR JANUARY 26. ACTIVITIES OF LEAGUE NEXT YEAR (AFTER AUGUST) WILL BE UNDER BANNER "NON A LA TORTURE." ARTICLE ALSO NOTED THAT LEAGUE IS PREPARING DETAILED REPORT ON TORTURE IN TUNISIA AND WE UNDERSTAND A SEPARATE ONE IS BEING WRITTEN ON THE SFAX-SOUSSE TRIALS. ARTICLE CLOSED WITH STRONG CONDEMNATION OF GOVERNMENT FOR ITS SILENCE AND ABSENCE OF OFFICIAL REACTION TO NUMEROUS ACCUSATIONS MADE IN SOUSSE TRIAL. IT ALSO QUOTED FROM ITS REPORT ON DEATH OF SOUSSE TRADE UNIONIST, HUSSEIN KOUKI, (SEE REF A) NOTING THAT BAD PRISON CONDITIONS CAUSED AGGRAVATION OF FATAL ILLNESS KOUKI CONTRACTED WHILE IN DETENTION.

6. IT IS INTERESTING TO NOTE THAT LOCAL OPPOSITION FORCES, AS WELL AS THE ACHOUR CAMP, STILL VIEW THE SOUSSE COURT DECISION AS AN ACT OF JUDICIAL INDEPENDENCE AND A DEFEAT OF THE GOVERNMENT. AN MSD LEADER, ALSO AN ATTORNEY AND MEMBER

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OF LEAGUE TOLD US OVER THE WEEKEND THAT THE SOUSSE TRIAL WAS CONDUCTED WITH EXTREME PROCEDURAL CORRECTNESS, AND THAT THE DEFENSE COULD NOT HAVE ASKED FOR A "FAIRER TRIAL." THE SFAX TRIAL LEFT MUCH TO BE DESIRED, BUT IT WAS NOT A "TRAVESTY". HE EXPRESSED HIS PERSONAL OPINION THAT THE COURT OF CASSATION WOULD UPHOLD THE SOUSSE DECISION TO THE FURTHER EMBARRASSMENT OF THE GOVERNMENT.

7. THE PRO-BEN SALAHISTS MOUVEMENT DE UNITE POPULAIRE (MUP) AND OUTLAWED TUNISIAN COMMUNIST PARTY (PCT) BOTH OPERATING IN EXILE FROM PARIS HAVE LONG CRITICIZED THE TUNISIAN GOVERNMENT FOR ITS ALLEGED WIDESPREAD USE OF TORTURE AGAINST POLITICAL DISSENT, ETC AND THEY CONTINUE IN THIS VEIN. FOR THE MOST PART, HOWEVER, THE TUNISIAN CITIZENRY HAS EITHER CONSIDERED THAT THE COMMUNISTS AND BEN SALAHISTS GOT THEIR JUST DESERTS, OR DISCOUNTED THEIR CLAIMS AS SELF-SERVING ACCUSATIONS WITH LITTLE FOUNDATION IN FACT. NOW THAT THE TUNISIAN LEAGUE FOR THE RIGHTS OF MAN HAS ECHOED THEIR ACCUSATIONS, EVIDENTLY SUPPORTED ALSO BY A NUMBER OF RESPECTED EX-PSD MINISTERS NOW LEADING THE MSD, THE BEN SALAHISTS AND THE COMMUNISTS COULD STAND TO IMPROVE THEIR IMAGE CONSIDERABLY. AT THE VERY LEAST, THEY MAY NOT SEEM QUITE AS HERETICAL AS THEY DID DURING THE MUP TRIALS IN STATE SECURITY COURT LAST YEAR.

8. INTERNATIONAL LABOR ORGANIZATIONS HAVE FOR THE MOST PART AVOIDED THE TORTURE ISSUE TO DATE, BUT THEIR REACTION TO THE TUNISIAN GOVERNMENT'S TREATMENT OF ACHOUR ET AL HAS

BEN UNIVERSALLY CRITICAL. ON THE LABOR SIDE, THIS INCLUDES THE ICFTU, THE WFTU, THE ARAB AND AFRICAN TRADE UNION ORGANIZATIONS, AND VARIOUS NATIONAL LABOR ORGANIZATIONS INCLUDING THOSE IN FRANCE, BELGIUM, ITALY, CONFIDENTIAL

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FRG, CANADA, AND ELSEWHERE. THE POSITIONS OF ALL OF THESE ORGANIZATIONS, WHICH HAVE CALLED FOR THE RELEASE OF ACHOUR AND THE OTHER ARRESTED TRADE UNIONISTS, HAS BEEN OPENLY REPORTED IN TUNISIA'S INDEPENDENT AND OPPOSITION PRESS. IN ADDITION, SEVERAL INTERNATIONALLY RESPECTED HUMAN RIGHTS ORGANIZATIONS HAVE ISSUED HIGHLY CRITICAL REPORTS AND CHARGES OF TORTURE HAVE BEEN GIVEN MORE ATTENTION. THESE INCLUDE AMNESTY INTERNATIONAL (REF B), AND A JOINT REPORT ISSUED BY THE BELGIUM HUMAN RIGHTS LEAGUE AND THE INTERNATIONAL FEDERATION FOR THE RIGHTS OF MAN. AMNESTY INTERNATIONAL REPORT HAS YET TO BE PUBLISHED IN TUNISIA, BUT PRESS CONFERENCE GIVEN BY MR GOFFIN REPRESENTING THE BELGIUM LEAGUE AND THE INTERNATIONAL FEDERATION WAS REPORTED IN TOTO BY DEMOCRATIE AUGUST 26. ACCORDING TO THIS REPORT, M. GOFFIN'S ACCUSATIONS WERE NUMEROUS AND HE NOTED THAT OVER 2,000 PERSONS WERE CONVICTED IMMEDIATELY AFTER EVENTS OF JANUARY 26. FURTHERMORE HE CHARGED THAT (1) PERSONAL INTEGRITY IS NOT BEING RESPECTED, (2) A TESTIMONY REGARDING TORTURE IS INCREASINGLY SHOCKING, AND (3) FREEDOMS OF THE PRESS, OF ASSOCIATION AND OF THE TRADE UNIONS ARE BEING VIOLATED. FOR GOOD MEASURE HE CITED (1) ACHOUR'S LETTERS TO BOURGUIBA AND THE PARTY PRESS (REF C) ACCUSING SAYAH AS REAL CULPRIT, (2) FACT THAT MSD HAS NOT BEEN GIVEN "VISA" AS LEGAL PARTY, AND (3) "REPRESSIVE NATURE OF SERVICE CIVIL."

9. THE GOVERNMENT'S RESPONSE

THE GOVERNMENT HAS NO LACK OF CHARGES ON ITS PLATE, BUT TO DATE IT HAS GIVEN LITTLE IN RESPONSE TO ITS DETRACTORS, AND LITTLE IN ENCOURAGEMENT TO ITS DEFENDERS. AS WE NOTED EARLIER, THE GOVERNMENT'S REACTION HAS BEEN EITHER SILENCE OR DECLARATIONS OF ABSOLUTE PURITY COUPLED WITH DERISION OF ITS DETRACTORS. IT HAS TAKEN THE FRENCH COMMUNISTS, THE BAATHISTS AND THE LIBYANS TO TASK (REF D)--ALWAYS IN OPEN SEASON IN TUNISIA--BUT IT HAS NOT REPLIED TO THE ICFTU OR VARIOUS OTHER INTERNATIONAL TRADE CONFEDERATIONS. CONFIDENTIAL

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TIONS, TO THE FRENCH OR OTHER SOCIALIST PARTIES, OR TO THE SEVERAL INTERNATIONAL RIGHTS ORGANIZATIONS THAT HAVE ADDED

TO ITSDISCOMFORT DURING THE PAST WEEK.

10. THE MOST PRECISE STATEMENT FROM OFFICIAL QUARTERS SO FAR WAS A RELEASE FROM THE GOVERNMENT PRESS AGENCY TUNIS-AFRIQUE PRESS (TAP) ON AUGUST 22 ENTITLED "SOUSSE: ON TORTURE." IN BRIEF, TAP CLAIMED THAT PCF NEWSPAPER

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BRUSSELS FOR USEC/LABATT

PARIS FOR LABATT

L'HUMANITE WAS GUILTY OF SPREADING UNFOUNDED ACCUSATIONS OF SOUSSE DEFENDANTS AND WAS PARTY TO A "DESIGN" AGAINST TUNISIA. ARTICLE DERIDED "BLOODSOAKED HANDKERCHIEF" PRESENTED BY A SOUSSE DEFENDANT AS EVIDENCE OF TORTURE, NOTING THAT PRISONERS ARE NOT ALLOWED TO HAVE HANDKERCHIEFS WHICH COULD BE USED IN SUICIDE ATTEMPTS.

ARTICLE IMPLIED THAT AUTOPSY PROVED KOUKI DIED OF ILLNESS (UNNAMED) CONTRACTED LONG BEFORE ARREST WHICH HE HAD NOT TAKEN CARE OF, AND THAT FAMILY WAS "TOTALLY UNDERSTANDING." (NOTE: THIS MAY COME BACK TO HAUNT GOVERNMENT AS TAP REPORTEDLY MISQUOTED THREE SOUSSE PHYSICIANS WHO CONDUCTED AUTOPSY, ATTRIBUTING CONCLUSIONS REACHED BY MINISTRY OF INTERIOR IN ITS STILL CONFIDENTIAL REPORT TO THEM RATHER THAN TO MINISTRY. WE UNDERSTAND THEY HAVE WRITTEN A THREE PAGE REBUTTAL TO TAP RELEASE WHICH IS TO BE PRINTED IN ER-RAI ON WEDNESDAY. AN OPEN

LETTER FROM ONE OF THE THREE PHYSICIANS METNIONED BY TAP
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HAS ALREADY BEEN PUBLISHED IN LE TEMPS AUGUST 27. HE
PROTESTED UNAUTHORIZED USE OF HIS NAME, REFUTED TAP'S
STATEMENT THAT FINAL REPORT HAS BEEN MADE, AND CLAIMED
THAT CAUSE OF DEATH WAS NOT DETERMINED IN AUTOPSY.)

1. TAP ARTICLE CONCLUDED WITH ALLEGATIONS THAT AS SO MANY
DEFENDANTS AT SOUSSE TRIAL MADE SIMILAR STATEMENTS ALLEGING TORTURE
OR MISTREATMENT, EVEN THOUGH THEY CAN BE DIVIDED
(ACCORDING TO TAP) INTO THREE DISTINCT GROUPS, IT WAS
OBVIOUS THAT "A HIDDEN WILL AND EXTERNAL INTERESTS" SOUGHT
TO INFLUENCE COURT AND OBTAIN PUBLIC SYMPATHY. AS NO
DEFENDANT COMPLAINED OF TORTURE TO EXAMINING JUDGE (JUGE D'-
INSTRUCTION), TAP CONCLUDED THAT ACCUSED DECIDED AFTERWARDS
TO BASE DEFENSE ON LIES. TAP RELEASE WAS PBULISHED IN ALL
TUNISIAN DAILIES.

12. PART OF GOVERNMENT'S PROBLEM IN MAKING A BETTER DEFENSE
IS DUE TO NOVELTY OF SITUATION. ACCUSTOMED TO GENERALLY
DOCILE AND SUPPORTIVE CITIZENRY AND TO AN EXCELLENT INTER-
NATIONAL REPUTATION, THE REGIME SIMPLY WAS UNPREPARED TO
DEAL WITH AN UNPRECEDENTED LEVEL OF CRITICISM AT HOME
AND ABROAD. IT HAD NO FORMULA FOR SUCH SITUATIONS AND
THE BEST IT COULD DO WAS RESPOND WITH SILENCE OR KNEE
JERK COUNTER CHARGES. ONE REASON FOR THE GOVERNMENT'S
CONTINUING LACK OF RESPONSIVENESS IS PRESIDENT BOURGUIBA
HIMSELF. HE NEVER ALLOWED HIMSELF TO BE PUBLICLY DRAWN INTO
THE PSD/UGTT EMBROGLIO AND AS THE SITUATION HAS DETERIORATED
OVER THE PST TWO MONTHS, BOURGUIBA HAS BEEN ISOLATED FROM
POLITICAL LEADERSHIP--WITH MADAME BOURGUIBA--IN SWITZERLAND
AND FRANCE. ANY ACTION THE GOVERNMENT MIGHT HAVE TAKEN
WOULD INEVITABLY CARRY IMPORTANT IMPLICATIONS FOR DOMESTIC
POLITICS, BUT NO ONE IT SEEMS HAS A GOOD IDEA ABOUT WHAT
THE PRESIDENT WANTS DONE.

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13. COMMENT: DESPITE GOT'S WISHES TO CONTRARY, IT IS
OBVIOUS THAT HUMAN RIGHTS ISSUE CANNOT BE RETAINED WITHIN
CONFINES OF DOMESTIC POLITICS. MSD OPPOSITIO HAS PULLED
ALL STOPS IN ITS MOUNTING CAMPAIGN AGAINST THE GOVERNMENT,
INCLUDING A MAJOR ATTACK ON REGIME FOR ALLEGED VIOLATIONS
OF BASIC HUMAN RIGHTS. THIS IS AN ENTIRELY NEW FACTOR IN
TUNISIAN POLITICS, AND UNLESS THE GOVERNMENT SHOWS GREATER

AGILITY THAN IT HAS IN RECENT WEEKSN TORTURE ISSUE COULD
BECOME A BOMBSHELL.

14. IN DOMESTIC SPHERE, GOVERNMENT IS CLEARLY ON THE
DEFENSIVE. IT HAS NEVER BEEN PRESENTED WITH THIS KIND
OF CHALLENGE BEFOREN AND PRESUMBABLY ONLY BOURGUIBA
HIMSELF HAS THE AUTHORITY TO DECIDE WHAT COURSE TO TAKE.
IT IS INTERESTING TO NOTE THAT MSD HAS NEVER HAD AN
UNKIND WORD TO SAY PUBLICLY ABOUT PRESIDENT AND THEY HOPE
BOURGUIBA WILL SIDE WITH THEM. WE HAVE NO INDICATION ABOUT
WHAT BOURGUIBM MAY HAVE IN MIDN, BUT IT IS OBVIOUS SOME
IMPORTANT DECISION MUST BE MADE SOON AFTER HIS RETURN ON
AUGUST 31.

15. AS TO THE TORTURE CHARGES THEMSELVES WE SUSPECT THAT
THEY ARE SOMEWHAT EXAGGERATED -- HOW MUCH WE DON' KNOW.
THERE IS LITTLE DOUBT IN OUR MINDS THAT SOME EXCESSES
HAVE OCCUREED IN COURSE OF POLICE INTERROGATIONS DURING
PAST SIX MONTHS, HOWEVER, AND THAT THE OPPOSITION HAS
EVIDENCE TO SHOW AS PROOF. WE KNOW THAT RESSURE
WAS ON POLICE TO OBTAIN EVIDENCE, AND SOME INDIVIDUALS
MAY HAVE CONSIDERED THAT PUBLIC REFERENCES TO SUSPECTS
AS "AGITATORS", ETC. GAVE THEM LICENSE TO GO BEYOND NORMAL
LIMITS. THIS DOES NOT MEAN THAT TORTURE HAS BECOME AN
"INSTRUMENT OF STATE POLICY," AS CALIMED BY LOCAL HUMAN
RIGHTS ADVOCATES. NEVERTHELESS, SOME ANSWERS MUST BE GIVEN
IF THE GOVERNMENT IS TO AVOID EVEN MORE SERIOUS PROBLEMS.
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Message Attributes

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